

REMARKS

Claims 1-3, 5-8 and 11-20 are pending in the application. Claims 1-3 and 5-20 stand rejected. Claims 1, 19 and 20 have been amended. Claims 9 and 10 have been cancelled. Claims 21-32 have been added. No new material has been added. In view of the amendments made to the claims and the remarks below, Applicants respectfully request that the rejections be withdrawn and the claims be allowed.

Claims 1-3 and 5-20 stand rejected under 35 U.S.C. § 112, first paragraph, for failure to comply with the written description requirement. The claims are alleged to contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Office Action states that it is unclear where the phrase "allocating or deleting a cluster," contained in claims 1, 19 and 20, is taught in the specification.

In response, the phrase "allocating or deleting a cluster" has been deleted from independent claims 1, 19 and 20. Accordingly, claims 1, 19 and 20, and claims 2, 3, 5-8 and 11-18, which depend from claim 1, are submitted to be in compliance with 35 U.S.C. § 112, first paragraph.

Claims 1, 2, 5-9, 11, 12 and 16-20 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by U.S. Patent Application Publication No. 2004/0243699 to Koclanes et al. ("Koclanes"). The rejection is respectfully traversed.

In the Office Action dated April 26, 2006, claims 3, 10 and 13-15 were indicated to contain allowable subject matter. Accordingly, the subject matter of claim 10 has been incorporated into claims 1, 19 and 20. The subject matter of claim 9, from which claim 10 depended, has also been incorporated into claims 1, 19 and 20. Specifically, claims 1, 19 and 20 each have been amended to recite "while accepting and executing a host command

for said storage volume," statistical data related to said storage volume is collected, the "statistical data including a total number of sectors read and a total number of sectors written, and independently maintaining said collected statistical data for each storage subvolume, each subvolume having a programmable granularity."

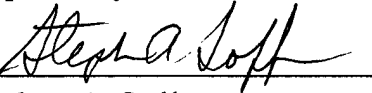
Since the allowable subject matter of claim 10 has been incorporated into claims 1, 19 and 20, these claims are submitted to be allowable over Koclanes. Claims 2, 3, 5-8 and 11-18, which depend from claim 1, are also submitted to be allowable for at least the same reasons that claim 1 is allowable.

Claims 21-32 have been added as a claim set incorporating the subject matter of claim 3, which was indicated to contain allowable subject matter. Accordingly, Applicants respectfully request that claims 21-32 also be allowed.

In view of the above amendment, Applicants submit that the present application is in condition for allowance.

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Respectfully submitted,

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